GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA

UNSTARRED QUESTION NO:1168
ANSWERED ON:30.11.2005
PRACTICE OF ORGAN TRADING
Chowdhury Shri Adhir Ranjan

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) Whether the practice of organ trading continues in the country unchecked despite the Act banning it ;

(b) if so, the details thereof and the reasons therefor ;

(c) whether the Government has made any study to identify the discrepancies in the implementation of the said Act;

(d) if so, the details thereof; and

(e) the measures taken/proposed to be taken by the Government in the matter ?

Answer

THE MINISTER OF THE STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SMT. PANABAKA LAKSHMI)

(a)&(b): No, Sir. However, some incidents of alleged illegal transplant of kidneys have come to the notice of Government of India. Information supplied by various States during the last two years regarding such incidents are at Annexure. Sale and purchase of human organs including kidneys is already banned under the provisions of the Transplantation of Human Organs Act, 1994. Under Section 13 of the Transplantation of Human Organs Act, 1994, the Central and the State Governments are empowered to appoint Appropriate Authorities for the purpose of the Act. The Appropriate Authorities appointed by the Central and the State Governments are empowered to investigate any complaints of breach of provisions of the Act including those pertaining to sale and purchase of human organs, including kidneys. The Director General of Health Services is the Appropriate Authority in respect of the Union Territories including National

Capital Territory of Delhi. However, in respect of the States, action under the Transplantation of Human Organs Act, 1994, has to be taken by the concerned Appropriate Authority. This Act already contains stringent provisions for punishing removal of human organ without authority and for commercial dealings in human organs.

(c) to (e): A Review Committee was constituted as per the Delhi High Court Judgement dated 6.9.2004 in W.P. No.813/2004 to review the provisions of the Transplantation of Human Organs Act, 1994 and the Transplantation of Human Organ Rules, 1995. The final report of the Committee has been received by the Government. The synopsis of the recommendations made by Review Committee are broadly as under:-

(i) It may be mandatory that all cases of near relative donor also be routed through authorization committee. vÂ«;

(ii) Guidelines for working of authorization committee has been laid down.

(iii) Testing to establish genetic relationship and histocompability should be done in the laboratories approved by Directorate of Health Services.

(iv) ORBO activities should be expanded.

(v) A national organ transplant program with special emphasis on cadaver donations be promoted.

(vi) Every hospital should make it mandatory for ICU/treating medical staff to make requests to relative of brain dead patient for organ donation and should report all brain dead potential donor to ORBO.

(vii) There should be incentives for the family of Cadaver Organ Donor.

(viii) Simplification of Rules have been suggested.The Government is examining the Report of the Review Committee for implementation in phase.